

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Roger Jerome Jackson,
N.A C.G. = Native right[]s,

Plaintiff,

-vs-

Leann Bert[sc]h, DOCR Director, Don
Redmann, Warden, and Mark Haines,
Chaplain,

Defendants.

Case No. 3:14-cv-14

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, recommending that the court grant the defendants' motion to dismiss and that the complaint be dismissed without prejudice because Jackson failed to exhaust his administrative remedies.¹ Jackson has not objected to the Report and Recommendation within the prescribed time period.

After reviewing the record and considering the magistrate judge's Report and Recommendation, the court finds the magistrate judge's analysis of the claims and recommendations for disposition are appropriate. Accordingly, the court hereby adopts the Report and Recommendation in its entirety. For the reasons stated therein, the defendants' motion to dismiss² is **GRANTED** and Jackson's complaint³ is **DISMISSED without prejudice**.

¹ Doc. #44.

² Doc. #37.

³ Doc. #5.

The court finds that any appeal would be frivolous, cannot be taken in good faith, and may not be taken *in forma pauperis*.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 4th day of June, 2015.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court